

**BARNES & THORNBURG**



11 South Meridian Street  
Indianapolis, Indiana 46204  
(317) 236-1313

PATENT APPLICATION

*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

Group: 3624

Attorney

Docket: 3168-29779

Applicant: James M. Kain

Invention: CHILD VEHICLE SEAT WITH  
CHILD-RESTRAINT HARNESS  
ADJUSTMENT MECHANISM

Serial No: 09/055,553

Filed: April 6, 1998

Examiner: Peter Brown

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as first class mail in  
an envelope addressed to Assistant Commissioner for  
Patents, Washington, D.C. 20231

on December 11, 1998

Richard A. Rezek  
Richard A. Rezek

Dated: December 11, 1998

REQUEST FOR CORRECTED OFFICIAL ACTION  
UNDER 37 C.F.R. § 1.97(b)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant respectfully requests that the Official Action mailed  
November 24, 1998 (Paper No. 5) be withdrawn because it did not take into account an  
Information Disclosure Statement under 37 C.F.R. § 1.56 filed in Group 3624 on  
November 19, 1998 with a Certificate of Mailing Under 37 C.F.R. § 1.8(a). Paper No. 5  
shows that Examiner Brown prepared his Official Action report without considering all of the  
documents submitted in said Information Disclosure Statement.

Copies of Paper No. 5, the Information Disclosure Statement including a  
Certificate Under 37 C.F.R. § 1.8(a) dated November 19, 1998, Form PTO-1449, and the two

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GAU 36261

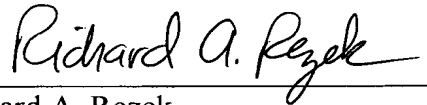
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documents submitted in said Information Disclosure Statement and not considered are also attached to this Request for corrected Official Action.

Applicant respectfully requests that the Official Action of November 24, 1998 be withdrawn without prejudice; that the above-noted documents received by the U.S. Patent Office be entered into the record; and that a new Official Action taking into account said two documents be issued. Examiner Brown is requested to contact the undersigned by telephone at (317) 231-7283 if any questions arise with respect to this Request for Corrected Official Action.

Respectfully submitted,

BARNES & THORNBURG



Richard A. Rezek  
Registration No. 30796

RAR/kt  
Indianapolis, Indiana  
317-231-7283

INDS02 RXR 232547

Enclosures: Copy of Paper No. 5  
Copy of Information Disclosure Statement  
Copy of Form PTO-1449  
Copies of two documents submitted



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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09/055,550 04/06/98 KAIN  
11 SOUTH MERIDIAN STREET  
INDIANAPOLIS IN 46204

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NOV 30 1998

EXAMINER
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ART UNIT	PAPER NUMBER
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11/2458

BARNES & THORNBURG

DATE MAILED:

DOCKETED

FOR OPA/Perp

BY [Signature]

DATE 10E-8

CHECKED BY RAR

DATE 6 DEC 90

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-38 is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
☒ Claim(s) 29-38 is/are allowed.  
☒ Claim(s) 1-3, 8-15, 17, 23 and 24 is/are rejected.  
☒ Claim(s) 4-7, 16, 18-22, 25-28 is/are objected to.  
☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.  
☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.  
☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.  
☐ The specification is objected to by the Examiner.  
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.  
☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_  
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

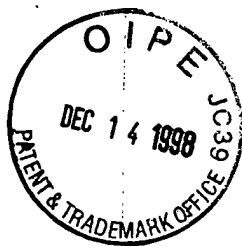
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892  
☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4  
☐ Interview Summary, PTO-413  
☒ Notice of Draftsperson's Patent Drawing Review, PTO-948  
☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

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Art Unit: 3624

1. Claims 8-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, line 4, the phrase "found to include" is awkward and should be changed to "which includes...", or the like. Note also that the phrase "adapted to face toward a child.." should define more clearly that the back plate is located adjacent a front surface of the shell, and that the child actually rests against the back plate.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3,14, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Burleigh et al.

Figures 1-6 show structure similar to that claimed.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

Art Unit: 3624

subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burleigh.

Burleigh (figs. 11,12) discloses a toothed locking mechanism for holding the panel in an adjusted position, and to have simply formed a plurality of teeth or "slots" on the arm member 96 which are engaged by a single tooth on the panel, would have been an obvious reversal of parts, and would have provided the structure as claimed.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burleigh in view of Lefranc.

To have secured the ends of the shoulder straps of Burleigh to a rod member, for preventing withdrawal of the straps through the slots, would have been an obvious modification, as such is shown to be conventional by Lefranc (fig. 4).

7. Claims 4-13,16,18-22 and 25-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Note that claim 8 must be amended to overcome the 112 rejection.

8. Claims 29-38 are allowed.

Art Unit: 3624

9.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tanaka et al and Weber et al show various features of the invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Brown whose telephone number is (703) 308-2103.

**PETER R. BROWN  
PRIMARY EXAMINER**

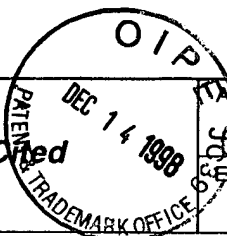
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November 18, 1998

U.S. DEPARTMENT OF COMMERCE  
PATENT & TRADEMARK OFFICE  
DEC 14 1998  
JCS39

The drawing filed (person) (date) 1/4/02 are:

- APPLICANT'S COPY

**Notice of References Cited**



Application No.

505555.3

Applicant(s)

Kain

Examiner

Brown

Group Art Unit

3624

Page \_\_\_\_ of \_\_\_\_

**U.S. PATENT DOCUMENTS**

* A	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	4040664	8-1977	Tanaka et al	297	484x
B	4790601	12-1988	Burleigh et al	297	484
C	5468046	11-1995	Weber et al	297	484x
D	5775772	7-1998	Le franc	297	485x
E					
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**FOREIGN PATENT DOCUMENTS**

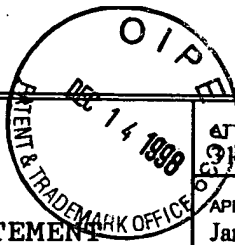
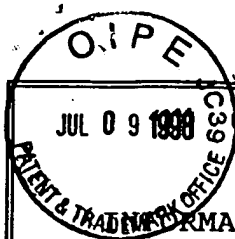
* N	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
O						
P						
Q						
R						
S						
T						

**NON-PATENT DOCUMENTS**

* U	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
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\* A copy of this reference is not being furnished with this Office action.  
(See Manual of Patent Examining Procedure, Section 707.05(a).)





JUL 09 1998

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

9168-29779

SERIAL No.

09/055,553

## INFORMATION DISCLOSURE STATEMENT

APPLICANT

James M. Kain

FILING DATE

April 6, 1998

GROUP

Unknown

## U.S. PATENT DOCUMENTS

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
<i>PH</i>	AA	2,143,634	Jan. 10, 1939	Saunders			
	AB	3,198,575	Aug. 3, 1965	Hawkins			
	AC	3,572,827	Mar. 30, 1971	Merelis			
	AD	3,948,556	Apr. 6, 1976	Hyde, et al.			
	AE	4,047,755	Sept. 13, 1977	McDonald, et al.			
	AF	4,058,342	Nov. 15, 1977	Ettridge			
	AG	4,168,050	Sept. 18, 1979	Nerem, et al.			
	AH	4,205,877	June 3, 1980	Ettridge			
	AI	4,376,551	Mar. 15, 1983	Cone			
	AJ	4,545,617	Oct. 8, 1985	Drexler, et al.			
<i>h</i>	AK	4,632,456	Dec. 30, 1986	Kassai			

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation Yes No
	AL						
	AM						
	AN						
	AO						
	AP						

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

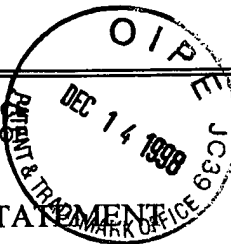
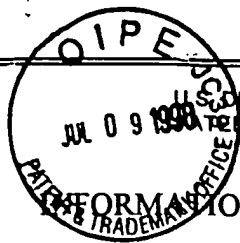
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	AT	

Examiner

Date Considered

11/18/98

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.  
Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Sheet 2 of 2

DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 3168-29779	SERIAL No. 09/055,553
INFORMATION DISCLOSURE STATEMENT		APPLICANT James M. Kain	
		FILING DATE April 6, 1998	GROUP Unknown

## U.S. PATENT DOCUMENTS

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
↓	BA	4,709,960	Dec. 1, 1987	Launes			
	BB	4,858,997	Aug. 22, 1989	Shubin	297	484x	
	BC	4,915,446	Apr. 10, 1990	Darling, et al.			
	BD	4,936,629	June 26, 1990	Young			
	BE	4,971,392	Nov. 20, 1990	Young			
	BF	5,181,761	Jan. 26, 1993	Meeker			
	BG	5,335,964	Aug. 9, 1994	Sedlack, et al.			
	BH	5,344,213	Sep. 6, 1994	Koyanagi			
	BI	5,527,094	June 18, 1996	Hiramatsu, et al.			
	BJ	5,609,393	Mar. 11, 1997	Meeker, et al.			
BK							

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation Yes No
	BL						
	BM						
	BN						
	BO						
	BP						

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

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	BT	

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Examiner

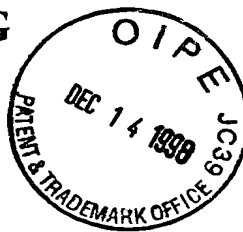
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(317) 236-1313

## PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 3624

Attorney

Docket: 3168-29779

Applicant: James M. Kain

Invention: CHILD VEHICLE SEAT WITH  
CHILD-RESTRAINT HARNESS  
ADJUSTMENT MECHANISM

Serial No: 09/055,553

Filed: April 6, 1998

Examiner: Unknown

### Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is  
being deposited with the United States  
Postal Service as first class mail in an  
envelope addressed to Assistant  
Commissioner for Patents, Washington,  
D.C. 20231

on Nov. 19, 1998

Jill L. Woodburn  
Jill L. Woodburn, Attorney No. 39874

Dated: Nov. 19, 1998

## INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

This statement is filed in the application identified above pursuant to 37 C.F.R. § 1.56. No representation is intended that a complete search has been made of the prior art or that no better art references than listed below are available. A copy of each reference is provided for review by the Examiner. The filing of this Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in §1.56(b).

## U. S. PATENTS

<u>Patent No.</u>	<u>Issue Date</u>	<u>Inventor</u>
2,143,634	Jan. 10, 1939	Saunders
3,198,575	Aug. 3, 1965	Hawkins
3,572,827	Mar. 30, 1971	Merelis
3,948,556	Apr. 6, 1976	Hyde et al.
4,047,755	Sept. 13, 1977	McDonald et al.
4,058,342	Nov. 15, 1977	Ettridge
4,168,050	Sept. 18, 1979	Nerem et al.
4,205,877	June 3, 1980	Ettridge
4,376,551	Mar. 15, 1983	Cone
4,545,617	Oct. 8, 1985	Drexler et al.
4,632,456	Dec. 30, 1986	Kassai
4,709,960	Dec. 1, 1987	Launes
4,854,639	Aug. 8, 1989	Burleigh et al.
4,858,997	Aug. 22, 1989	Shubin
4,915,446	Apr. 10, 1990	Darling et al.
4,936,629	June 26, 1990	Young
4,971,392	Nov. 20, 1990	Young
5,181,761	Jan. 26, 1993	Meeker
5,335,964	Aug. 9, 1994	Sedlack et al.
5,344,213	Sep. 6, 1994	Koyanagi
5,527,094	June 18, 1996	Hiramatsu et al.
5,609,393	Mar. 11, 1997	Meeker et al.

**FOREIGN PATENTS DOCUMENTS**

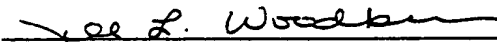
<b><u>Document No.</u></b>	<b><u>Publication Date</u></b>	<b><u>Country</u></b>
GB 2 282 321 A	April 5, 1995	United Kingdom

None of the above-cited art is believed to disclose or suggest the invention recited in the claims of the above-identified application. It is therefore believed that the claimed invention is patentably distinguishable over these references.

Please charge any fees that might be due in connection with this Information Disclosure Statement to our Deposit Account No. 10-0435. An extra copy of this Information Disclosure Statement is enclosed for that purpose.

Respectfully submitted,

BARNES & THORNBURG

  
\_\_\_\_\_  
Jiff L. Woodburn  
Attorney Registration No. 39874

jls/mvb  
Indianapolis, Indiana 46204